

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

IN RE:

Case No.: 2:21-cv-01168-APG-EJY

JOHN ROBERT ZURZOLO,  
 Plaintiff.

**Order Accepting Report and  
 Recommendation**

[ECF No. 3]

On November 1, 2021, Magistrate Judge Youchah recommended that I dismiss plaintiff John Zurzolo's complaint because Zurzolo's initiating documents do not provide fair notice to any defendant of what his claims are. ECF No. 3. Zurzolo did not object. Thus, I am not obligated to conduct a de novo review of the report and recommendation. 28 U.S.C. § 636(b)(1) (requiring district courts to "make a de novo determination of those portions of the report or specified proposed findings to which objection is made"); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) ("the district judge must review the magistrate judge's findings and recommendations de novo *if objection is made*, but not otherwise" (emphasis in original)).

I THEREFORE ORDER that Magistrate Judge Youchah's report and recommendation **(ECF No. 3) is accepted**. Plaintiff John Zurzolo's initiating document (ECF No. 1) is dismissed without prejudice. Plaintiff John Zurzolo must file an amended complaint consistent with Judge Youchah's report and recommendation by December 22, 2021. Failure to file an amended complaint by that date will result in dismissal of this case, without prejudice to Zurzolo initiating a new action.

DATED this 19th day of November, 2021.



ANDREW P. GORDON  
 UNITED STATES DISTRICT JUDGE